

PURCELLVILLE, TOWN OF
County of Loudoun.
Incorporated by a 1908 Act of Assembly.

Incorporation and charter, 1908, c. 391; repealed 1950, c. 538.

Charter, 1950, c. 538; repealed 1968, c. 52.

Charter, 1968, c. 52.

Amended 1971, c. 82 (§§ 2-2, 2-3)
 1974, c. 147 (§§ 2-2, 2-3, 3-2)
 1976, c. 417 (§§ 3-5 [added], 8-2)
 1979, c. 24 (§§ 3-5, 5-1)
 2000, c. 225 (§ 2-3)
 2002, c. 11 (§§ 2-5, 3-1, 3-2, 3-5, 5-3, 8-2)
 2004, c. 45 (§§ 2-2, 2-6, 4.1-1 [added])
 2006, c. 133 (§ 4.1-1)
 2008, c. 5 (§ 3-5)
 2011, c. 478 (§4.1-1).

CHAPTER 1.

General Provisions.

§ 1-1. Definition of municipality.

Wherever the word “municipality” or “municipal” appears in this charter, it shall be construed to refer to the Corporation of Purcellville, Virginia. (1968, c. 52)

§ 1-2. Corporate status; powers and privileges generally.

The Corporation of Purcellville, in the County of Loudoun, shall continue to be a town corporate, in the name and style of the Town of Purcellville, and as such shall have and may exercise the powers and privileges conferred upon it by this charter and which are now, or may be hereafter delegated to towns in accordance with the Constitution or laws of the Commonwealth of Virginia. (1968, c. 52)

§ 1-3. Corporate limits.

The corporate limits or boundaries of the municipality, unless and until changed in the manner prescribed by law, shall be the same as set forth in Deed Book 453, at Page 28, et seq. in the Clerk’s Office of the Circuit Court of Loudoun County, Virginia. (1968, c. 52)

§ 1-4. Corporate seal.

The municipality may provide for the adoption of its corporate seal. (1968, c. 52)

§ 1-5. Elections generally.

All elections shall be conducted pursuant to and in accordance with the general law governing the holding of elections in towns. (1968, c. 52)

CHAPTER 2.

Municipal Council Generally; Mayor;
Mayor Pro Tempore; Powers and Duties.

§ 2-1. Legislative powers in municipal council.

The legislative powers of the municipality shall be vested in a municipal council, consisting of seven members, one of whom in addition shall be a mayor, who shall be elected as specified herein. Each member shall be an elector of the municipality. (1968, c. 52)

§ 2-2. Election of council; composition; terms of office.

The members of the council in office at the effective date of this charter amendment are hereby continued in office until the first day of July in the even-numbered year succeeding the term of office for which they were elected. Council members shall be elected to four-year terms on the first Tuesday in May of every even-numbered year in the manner herein provided: Three council members shall be elected in the municipal elections held in May, 1974, and in municipal elections held every four years thereafter; three council members shall be elected in the municipal elections held in May, 1976, and in municipal elections held every four years thereafter. The members of the council shall take office on the first day of July, after their election. Said council members shall continue to discharge the duties of their respective offices until their successors have been qualified. (1968, c. 52; 1971, c. 82; 1974, c. 147; 2004, c. 45)

§ 2-3. Election of mayor; term of office and vice mayor.

The mayor in office at the effective date of this charter amendment is hereby continued in office until the first day of July, 1974. On the first Tuesday in May, 1974, there shall be elected by the qualified voters of the municipality, a mayor for a term of two years, beginning on the first day of July 1974. On the first Tuesday in May of each even-numbered year following 1974, the mayor shall be elected, for a term of two years, beginning on the first day of July of the year of his election. The mayor so elected shall continue to discharge the duties of the office until a successor shall have qualified.

The mayor shall preside at all meetings of the council and he or she shall be a regular member of the council.

The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process.

The mayor shall authenticate by his or her signature such documents and instruments as the council, Constitution or general laws require.

During the regular monthly meeting in July each year, the council shall appoint from the membership of the council a vice mayor to serve in the absence or the disability of the mayor. This appointment is for a one-year term, and the vice mayor will serve during such absence or disability with the same powers and duties given the mayor in this section. (1968, c. 52; 1971, c. 82; 1974, c. 147; 2000, c. 225)

§ 2-4. Clerk of the council.

The council may appoint a clerk of the council whose duties shall be prescribed by the council. (1968, c. 52)

§ 2-5. Meetings.

All meetings of the council shall be public unless the council by a recorded affirmative vote declares a closed meeting in accordance with law. (1968, c. 52; 2002, c. 11)

§ 2-6. Vacancies in office of council member.

Vacancies in the office of council member and mayor for whatever cause shall be filled for the unexpired portion of the term remaining before the next regular Town Council election by majority vote of the remaining members of the council. In the event that the vacancy occurs before the mid-point of the term, the appointee to the unexpired term shall be a candidate for election to the remaining term length at the next regular Town Council election. The term shall be two years initially with succeeding terms of four years. If the vacancy occurs after the mid-point of the term, the successful candidate at the

next election shall serve a four-year term. If the council shall fail to fill a vacancy, such vacancy shall be filled by appointment of the judge of the Circuit Court of Loudoun County, upon notice to the court by petition filed by the mayor or any council member. (1968, c. 52; 2004, c. 45)

§ 2-7. Rules of proceeding.

The council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings.

It shall hold at least one regular monthly meeting. (1968, c. 52)

CHAPTER 3.

Powers Generally.

§ 3-1. Adoption of state law provisions.

The powers set forth in the 1950 Code of Virginia, as amended, are hereby conferred on and vested in the Town of Purcellville as such are applicable to municipal corporations. (1968, c. 52; 2002, c. 11)

§ 3-2. Salaries and wages.

Compensation for members of the council, mayor and all officers and employees shall be set by the council. (1968, c. 52; 1974, c. 147; 2002, c. 11)

§ 3-3. Power of municipality to acquire land or interests therein for exchange with public utility company.

Whenever any public utility company owns any land or any easement, right-of-way or other interest in land which the municipality deems necessary and intends to acquire for any public purpose, which land, easement, right-of-way or other interest in land owned by a public utility company is devoted to a public use, the municipality may acquire by gift, purchase or by the exercise of the power of eminent domain additional or a like easement, right-of-way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the municipality and may then convey the same to the public utility company for use by it in lieu of the land, easement, right-of-way, or other interest in land theretofore owned by it but needed by the municipality. The condemnation of such land, easement, rights-of-way or other interest in land to be conveyed to any public utility company shall be governed by the same procedure prescribed by this charter and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for the municipality. (1968, c. 52)

§ 3-4. Utility rates.

The municipality shall have the power and right to charge a different rate for any utility service rendered or convenience furnished without the corporate limits from the rates charged for similar services within the corporate limits. (1968, c. 52)

§ 3-5. Residency requirements.

The town manager will be required to live within the corporate limits of or within fifteen miles of the corporate limits of the Town of Purcellville within ninety days after appointment to office and during the term of employment. (1976, c. 417; 1979, c. 24; 2002, c. 11; 2008, c. 5)

CHAPTER 4.
Zoning.

§ 4-1. Zoning administrator.

The council shall appoint the zoning administrator to serve at its pleasure, be paid such compensation and perform such duties as may be prescribed by the council. The zoning administrator shall administer and enforce the zoning ordinances, and does not have to be a resident of the town during his term of office. (1968, c. 52)

§ 4-2. Board of Zoning Appeals.

The council shall appoint the members of the Board of Zoning Appeals, which shall consist of not less than five members nor more than ten members, and prescribe their terms of office and qualifications therefor. (1968, c. 52)

CHAPTER 4.1.

Board of Architectural Review.

§ 4.1-1. Board of Architectural Review.

The council may appoint a Board of Architectural Review consisting of five members, at least four of whom shall be residents of the town and representative of the following professions or interests: architecture, landscape architecture, urban or town planning, historic preservation, and a citizen representative. However, the council may, in its discretion, appoint up to 7 members. Such additional members need not be residents of the town.

The terms of office of the members of the board shall be four years with terms being staggered initially such that one member shall be appointed for a term of one year, a second member appointed for a term of two years, a third member appointed for a term of three years and the remaining two members appointed for terms of four years. The terms of the members shall take effect on July 1, 2004.

The Board of Architectural Review shall be responsible for the review and implementation of architectural design standards for all commercial and overlay districts as approved by the town council. The application of the standards shall apply to new construction, exterior renovations, parking areas, signage, streetscapes, street and street intersection design and pedestrian ways. (2004, c. 45; 2006, c. 133; 2011, c. 478)

CHAPTER 5.

Town Manager.

§ 5-1. Appointment, qualifications, terms, removal.

The administrative and executive powers of the municipality except where in conflict with other provisions of this charter, including the power of appointment of officers and employees, may be vested in a town manager. The town manager shall hold office during the pleasure of the council. (1968, c. 52; 1979, c. 24)

§ 5-2. General duties.

The town manager shall:

- (1) See that within the municipality the laws, ordinances, resolutions and bylaws of the municipality are faithfully executed;
- (2) Attend all meetings of the council and recommend for adoption such measures as he shall deem expedient;
- (3) Make reports to the council from time to time upon the affairs of the municipality;

- (4) Keep the council fully advised of the municipality's financial condition and its future financial needs;
- (5) Prepare and submit to the council a tentative budget for the next fiscal year; and
- (6) Perform such other duties as may be prescribed by the council not in conflict with this charter. (1968, c. 52)

§ 5-3. Powers as to municipal officers, employees, etc.

All officers and employees of the municipality, as the council shall determine are necessary for the proper administration of the municipality, shall be appointed and may be removed by the manager. (1968, c. 52; 2002, c. 11)

CHAPTER 6.

Issuing Justices.

§ 6-1. Creation of office.

There is hereby created the office of issuing justices for the municipality. (1968, c. 52)

§ 6-2. Appointments.

The council may appoint not more than two issuing justices who are qualified electors of the town and who shall hold office at the pleasure of the council. The council may fill any vacancy in the office of issuing justice. (1968, c. 52)

§ 6-3. Powers.

The issuing justices so appointed shall have power to issue warrants for arrest for violation of municipal ordinances, and civil warrants in cases in which the police justice has jurisdiction, the power to issue subpoenas or other processes the same as could be issued by the police justice and in the absence of the police justice, shall have the power to admit to bail in any case where the police justice could admit to bail, but any warrant, summons or process issued by such issuing justices for violation of a municipal ordinance shall be returnable before the police justice or the substitute justice of the municipality. (1968, c. 52)

§ 6-4. Compensation; costs.

Compensation shall be paid to any such issuing justices by the municipality as provided by the council.

For the issuance of any warrant, subpoena, or other process and for admitting any person to bail, such issuing justices shall charge the same fees and costs as are provided in like cases by general law, which fees, costs and cash bail shall be paid to the clerk of the police court, or treasurer of the town, if no clerk has been appointed. (1968, c. 52)

§ 6-5. Procedure for issuing warrants, etc.

The procedure for issuing warrants, service of process, return of a warrant, examination, bail, arrest, commitment and recognizances as provided by general law shall be followed by the issuing justices and police officers of the municipality. (1968, c. 52)

CHAPTER 7.

Police Court.

§ 7-1. Generally.

There shall be a police court of the municipality which court shall have original jurisdiction of all cases involving violations of the provisions of this charter and of all ordinances of the municipality and of cases instituted for the collection of the municipal taxes or other debts due and owing the municipality. The trial officer presiding over the police court shall be known as the police justice of the municipality and shall have the right and

authority to issue warrants, summon witnesses and try all cases arising within the jurisdiction of the court. The police justice and substitute police justice shall be appointed by the council and the substitute police justice shall serve in the absence of the police justice and shall have the same power and authority of the police justice. The police justice and substitute police justice need not be a resident of the municipality. The mayor may be appointed to serve as police justice or substitute police justice and receive a salary therefor in addition to his salary as councilman and mayor. The council shall prescribe the terms of office, the salary to be paid, the oath to be subscribed to by the police justice and substitute police justice and the bond to be given. The council may provide a clerk for the police court to serve at the pleasure of the council or such clerical assistance as it deems necessary, and prescribe the duties and fix the compensation of all such employees. All provisions with respect to venue, process and order of publication, and procedure in county courts shall be applicable to all cases instituted in and heard in the police court. The procedure in and appeals from such court shall be as provided by general law for county courts. The fees in such courts shall be as provided for by general law for county courts. All fees and fines imposed by the trial officer shall be paid into the treasury of the municipality. (1968, c. 52)

CHAPTER 8.

Taxation.

§ 8-1. Treasurer.

The council shall appoint a municipal treasurer, who shall serve at the pleasure of the council. The treasurer shall receive such compensation and give such bond as may be prescribed by the council, and perform such duties as may be prescribed by the council and as are prescribed by general law. (1968, c. 52)

§ 8-2. Commissioner of revenue; appointment; duties; assessment of real estate and personal property for tax purposes; effective date of assessment for tax purposes.

The council shall appoint a commissioner of revenue who shall have the same power and duties provided by the Constitution and general law for commissioners of revenues for counties, who shall serve at the pleasure of the council.

The municipality shall utilize the assessments of real property and personal property in the office of the Commissioner of Revenue for the County of Loudoun for the assessment of real and personal property for municipal taxes for each year. (1968, c. 52; 1976, c. 417; 2002, c. 11)

§ 8-3. Combining both offices; appointment of deputies.

The office of Commissioner of Revenue and Treasurer may be held by the same individual at the same time and the council may appoint deputy treasurers and commissioners of revenue at its discretion. (1968, c. 52)

CHAPTER 9.

Continuation Provisions;

Severability;

Repealing Provisions; Effective Date.

§ 9-1. Ratification and continuation of ordinances, privileges, rights, etc.

All ordinances and resolutions heretofore made and adopted by the municipality, not in conflict with this charter, are hereby ratified and confirmed and shall be and remain in full force and effect until altered, amended or repealed by the council of the municipality.

And all the rights, privileges and property of the municipality heretofore acquired, now owned or enjoyed shall continue undiminished and remain vested in the municipality. (1968, c. 52)

§ 9-2. Continuation of present offices, etc.

All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation of law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the municipality as set forth in § 15.1-845, Code of Virginia, as in force on January 1, 1968; provided, however, that the treasurer, issuing justices, and recorder at the time of the passage of this act shall continue in office with the same duties and powers until September 1, 1969, or until their successors are elected or appointed or qualified. (1968, c. 52)

§ 9-3. Severability.

If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1968, c. 52)